



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Dispute Codes      **ET FFL**

### Introduction

This hearing dealt with the landlord's application pursuant to the *Residential Tenancy Act* (the "Act") for:

- An order for an early termination of tenancy and an Order of Possession for an immediate and severe risk pursuant to section 56; and
- Authorization to recover the filing fees from the tenant pursuant to section 72.

The tenant did not attend this hearing, although I left the teleconference hearing connection open until 9:42 a.m. to enable the tenant to call into this teleconference hearing scheduled for 9:30 a.m. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I also confirmed from the teleconference system that the landlord and I were the only ones who had called into this teleconference.

The landlord testified she personally served the tenant with the Notice of Dispute Resolution Proceedings on May 31, 2019.

### Preliminary Issue - Service

The landlord's application for an early end to tenancy, filed on May 27, 2019 is an application that falls under Rule 10 of the Residential Tenancy Branch Rules of Procedure [Expedited Hearings].

Expedited Hearings are considered urgent matters reserved for situations where urgency and fairness necessitate shorter service and response time limits. As such, proof of service of the Notice of Dispute Resolution Proceedings and the associated

documents listed in Rule 10.3 must be proven by the filing of the proof of service document. Rule 10.9 states:

**10.9 Proof of Service**

An applicant **must provide proof of service** by submitting RTB 9 Proof of Service – Notice of a Dispute Resolution form one day after serving the Notice of Dispute Resolution Proceeding Package and at least two days before the hearing. Failure to do this may result in the application being dismissed or the hearing being rescheduled or adjourned to a later date.  
[emphasis added]

The landlord has not filed proof of service satisfactory to me that the tenant has been properly served with the Notice of Dispute Resolution Proceedings Package. As such, the landlord's application for an early end to tenancy is dismissed with leave to reapply. I make no findings on the merits of the matter. Liberty to reapply is not an extension of any applicable limitation period.

Conclusion

The application is dismissed with leave to reapply.

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under Section 9.1(1) of the *Residential Tenancy Act*.

Dated: June 20, 2019

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Residential Tenancy Branch